

AMENDED IN SENATE JUNE 3, 2003

AMENDED IN SENATE APRIL 3, 2003

SENATE BILL

No. 792

Introduced by Senator Sher

February 21, 2003

An act to amend Section 410.30 of the Code of Civil Procedure, relating to jurisdiction.

LEGISLATIVE COUNSEL'S DIGEST

SB 792, as amended, Sher. Jurisdiction: foreign forums.

Existing law requires the court to stay or dismiss any action in whole or in part upon a finding in the interest of substantial justice that the action should be heard outside the state, except as specified.

This bill would ~~require the court in making this finding~~ *permit a petitioner* in regard to *this interest in* specified actions to ~~consider~~ *present evidence of* the availability and adequacy of the alternative foreign forum.

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~—no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 410.30 of the Code of Civil Procedure
2 is amended to read:
3 410.30. (a) If a court upon motion of a party or its own
4 motion finds that in the interest of substantial justice an action
5 should be heard in a forum outside this state, the court shall stay

1 or dismiss the action in whole or in part on any condition that may
2 be just.

3 (b) ~~Pursuant to subdivision (a), in~~ In determining the interest
4 of substantial justice in any action by a natural person for damages
5 for death or personal injury in a foreign country, the ~~court shall~~
6 ~~consider~~ *petitioner may present evidence of* the availability and
7 adequacy of the foreign forum. ~~The determination of availability~~
8 ~~and adequacy shall~~, which may include, but not be limited to, any
9 relevant pronouncement of a foreign country's executive,
10 legislative, or judicial branch, and any relevant findings or reports
11 of international organizations, such as the United Nations
12 Commission on Human Rights or the Organization of American
13 States Juridical Committee.

14 (c) The provisions of Section 418.10 do not apply to a motion
15 to stay or dismiss the action by a defendant who has made a general
16 appearance.

